

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1365

Introduced by Assembly Member Tom Berryhill

February 27, 2009

~~An act to amend Section 12842 of the Water Code, relating to water development projects. An act to add Chapter 3 (commencing with Section 12330 to Part 4.8 of Division 6 of) the Water Code, relating to water, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1365, as amended, Tom Berryhill. ~~Water development projects: flood control and watershed protection. Sacramento-San Joaquin Delta.~~

Existing law requires the Department of Water Resources to develop and implement a program of flood control projects at specific Sacramento-San Joaquin Delta locations for the protection of certain public benefits, including the protection of urbanized areas, water quality, recreation, navigation, and fish and wildlife habitats, and for net long-term habitat improvement.

Under various laws, a private party may agree to convey an interest in real property to the state or to a 3rd party, or to expend funds in connection with the management of a real property, or both, to mitigate the adverse impacts to the environment resulting from development or other permitted activity.

This bill would make an unspecified appropriation from an unspecified source to the department for the purposes of acquiring land or other property interests in certain properties in the Sacramento-San Joaquin Delta and to initiate and implement improvements on those properties for the purposes of flood control, habitat enhancement, reduction of

greenhouse gas emissions, recreation, and other visions for a sustainable Delta. The bill would require the Department of Water Resources and the Department of Fish and Game, in consultation with the State Air Resources Control Board, to prepare and submit to the Governor and the Legislature a report on the proposed implementation of the bill. The bill would prohibit the moneys appropriated in the bill from being expended until the report is submitted.

~~Existing law declares the intent of the Legislature that the planning and construction of all flood control and watershed protection projects shall include features that are determined to be necessary and desirable to preserve and enhance the state's fish and wildlife resources and to achieve the full utilization of those projects for recreational purposes consistent with the construction and operation of those projects to protect life and property.~~

~~This bill would make technical and clarifying nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 3 (commencing with Section 12330) is*
2 *added to Part 4.8 of Division 6 of the Water Code, to read:*

3
4 *CHAPTER 3. DELTA PROPERTY ACQUISITION*

5
6 12330. (a) *The intent of the Legislature in enacting this chapter*
7 *is to provide funds to facilitate the state's response to imminent*
8 *threats to the Sacramento-San Joaquin Delta.*

9 (b) *The sum of _____ is hereby appropriated from moneys made*
10 *available pursuant to _____ to the department for expenditure,*
11 *subject to subdivision (d), for the following purposes:*

12 (1) *The acquisition of land or other property interests in Bouldin*
13 *Island, Webb Tract, Holland Tract, and Bacon Island in the*
14 *Sacramento-San Joaquin Delta.*

15 (2) *To initiate and implement improvements on the properties*
16 *described in paragraph (1) for the purposes of flood control,*
17 *habitat enhancement, reduction of greenhouse gas emissions*
18 *consistent with the California Global Warming Solutions Act of*
19 *2006 (Division 25.5 (commencing with Section 38500) of the*

1 *Health and Safety Code, recreation, and other visions for a*
2 *sustainable Delta.*

3 *(c) The department and the Department of Fish and Game, in*
4 *consultation with the State Air Resources Control Board, shall*
5 *prepare and submit to the Governor and the Legislature a report*
6 *on the proposed implementation of this section.*

7 *(d) The moneys appropriated by subdivision (b) shall not be*
8 *expended until the report described in subdivision (c) is submitted.*

9 ~~SECTION 1. Section 12842 of the Water Code is amended to~~
10 ~~read:~~

11 ~~12842. The Legislature further finds and declares that it is the~~
12 ~~intent of the Legislature that the planning and construction of all~~
13 ~~flood control and watershed protection projects shall include~~
14 ~~features that are determined to be necessary and desirable to~~
15 ~~preserve and enhance the state's fish and wildlife resources and to~~
16 ~~achieve the full utilization of those projects for recreational~~
17 ~~purposes consistent with the construction and operation of those~~
18 ~~projects to protect public health and safety and property.~~